

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of a Petition by
Peoples Natural Gas Company
and Northern Minnesota Utilities,
Divisions of UtiliCorp United, Inc.,
for Authority to Increase Natural Gas
Rates in Minnesota and to Consolidate
the Two Utilities

SECOND
PREHEARING ORDER

Since the issuance of the First Prehearing Order, a number of events have occurred which require action.

Petitions to intervene have been received from Potlatch Corporation, Minnesota Power, LSP-Cottage Grove, LP, and Otter Tail Energy Company. Secondly, UtiliCorp-MN has requested that a protective order be entered to protect trade secrets/privileged data. Finally, a question has arisen regarding the need to prefile exhibits at the same time that testimony is prefled, and whether exhibits prepared solely for purposes of cross-examination need to be disclosed to opposing counsel in advance of their use.

Based upon all the filings and proceedings herein, the Administrative Law Judge makes the following:

ORDER

1. That the petitions to intervene filed by Potlatch Corporation, Minnesota Power, and LSP-Cottage Grove, L.P. are GRANTED.
2. That any objections to the petition to intervene filed by Otter Tail Energy Services Company must be filed with the Administrative Law Judge no later than the close of business on Wednesday, December 6. Until further notice, Otter Tail is to be treated as if its petition had been granted. See, Memorandum.
3. That the attached protective order for non-public data has been executed and is in effect as of this date.

4. That hearing exhibits must be prefiled according to the same filing schedule as prefiled testimony; however, exhibits prepared solely for purposes of cross-examination need only be disclosed to opposing counsel one day before they are introduced.

Dated this 1st day of December, 2000.

ALLAN W. KLEIN
Administrative Law Judge

MEMORANDUM

Otter Tail appears to have filed its Petition to Intervene with the Commission, rather than with the Administrative Law Judge, on October 20. It did not come to my attention until November 22. I instructed Otter Tail to serve it on all existing parties and known intervention petitioners, along with a request that any objections be voiced promptly. No objections have been raised so far, but the purpose of the December 8 deadline is to expedite the decision on Otter Tail's status. Until that status is finalized, parties are to treat Otter Tail as if its petition has been granted.

Various parties have asked that the official service list reflect their desire that copies of prefiled testimony, motions, and other filings be served on a number of different people in addition to the lead attorney. I have not included these other persons on the official list because I believe such arrangements are better worked out between the attorneys on the basis of professional courtesy. I am not ignorant of the need for prompt delivery of some documents in this case, but I do not believe that it is appropriate to order that everything be served on numerous persons. I expect that the attorneys can work out a satisfactory arrangement whereby those who need expedited delivery of certain documents can obtain them promptly.

A.W.K.